UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,837	10/07/2003	David Nicholas Wilcockson	1232.66401	5378

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GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER
AHLUWALIA, NAVNEET K

ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/680,837	WILCOCKSON, DAVID NICHOLAS
	Examiner	Art Unit	
	Navneet K. Ahluwalia	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☒ Claim(s) <u>2-13, 16, 19 - 21</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/10/2006</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   The application has been examined. Claims 1 – 21 are pending in this office

action.

Claim Objections

2.   Claims 2 – 13, 16, 19 – 21 are objected to because of the following informalities:

Claims 2 – 13 and 16 in their preamble recite "a method for creating and

retrieving data records as defined by claim", Since it depends on the method of another

claim the preamble of the claims should be corrected to state "the method for creating

and retrieving data records as defined by claim".

Claims 19 – 21 in their preamble recite "a computer program product as defined

by claim 18 wherein", Since it depends on the product of claim 18 the preamble of the

claims should be corrected to state "the computer program product as defined by claim

18".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

The claims in their preamble recite "a computer program product embodying the method", it is not clear as to how the method would be embodied in the product.

5.   Claim 3 recites the limitation "said character identifiers" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1 – 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Wheeler et al. ('Wheeler' herein after) (US 6,738,759 B1).

With respect to claim 1,

Wheeler discloses a method for creating and retrieving data records comprising the steps of:

- organizing a plurality of categories into a plurality of hierarchical levels (column 9 lines 20 – 32, Wheeler);

- assigning a category identifier to each respective of said plurality of categories, said category identifier including the identifier for each category linked to said

each respective category in each of said plurality of hierarchical levels that is

above said level of said each respective category (column 1 lines 12 – 29,

Wheeler);

- creating a plurality of data records for a plurality of data entries, each of said data

  entries having at least one attribute that corresponds to one of said categories

  (column 13 lines 15 – 35 and 42 – 51, Wheeler);

- storing said category identifier that corresponds to said at least one attribute of

  each particular data entry in said data record for said particular data entry

  (column 13 lines 52 – 67 and column 14 lines 1 – 6, Wheeler);

- receiving a query that corresponds to one or more of said categories (column 8

  lines 65 – 67 and column 9 lines 1 – 3, Wheeler); and

- retrieving at least one of said data records that include a category identifier

  corresponding to said query (Figure 25 and column 22 lines 38 – 49, Wheeler).

With respect to claim 2,

Wheeler discloses a method for creating and retrieving data records as defined

by claim 1 and further including the step of storing said category identifiers in a look-up

table, and using said look-up table to create said data records and to process said

query (Figure 14 and column 15 lines 18 – 36, Wheeler).

With respect to claim 3,

Wheeler discloses a method for creating data records as defined by claim 1

wherein said character identifiers comprise alphanumeric strings (column 3 lines 9 – 13,

Wheeler).

With respect to claim 4,

Wheeler discloses a method for creating and retrieving data records as defined

by claim 1 wherein said query corresponds to a plurality of categories related by at least

one Boolean logic operator (Figure 4a, Wheeler).

With respect to claim 5,

Wheeler discloses a method for creating and retrieving data records as defined

by claim 1 and further including the steps of assigning a weighting to at least a portion

of said categories (column 13 lines 24 – 31, Wheeler).

With respect to claim 6,

Wheeler discloses a method for creating and retrieving data records as defined

by claim 5 wherein the method further includes the step of using said weightings to

respond to said query (column 13 lines 9 – 19, Wheeler).

With respect to claim 7,

Wheeler discloses a method for creating and retrieving data records as defined

by claim 6 wherein the step of using said weightings comprises selecting one of said

data records containing a higher weighted category identifier that corresponds to said

one or more category contained in said query over a second of said data records that

contains a lower weighted category identifier that corresponds to said one or more

category contained in said query (column 13 lines 26 – 39, Wheeler).

With respect to claim 8,

Wheeler discloses a method for creating and retrieving data records as defined

by claim 5 and further including the step of including said weighting in said category

identifier (column 23 lines 2 – 11, Wheeler).

With respect to claim 9,

Wheeler discloses a method for creating and retrieving data records as defined

by claim 5 wherein said weighting is represented by at least one alphanumeric

character (column 23 lines 1 – 11, Wheeler).

With respect to claim 10,

Wheeler discloses a method for creating and retrieving data records as defined

by claim 5 wherein the method further includes the step of using said query to modify at

least one of said weightings (column 14 lines 35 – 54, Wheeler).

With respect to claim 11,

Wheeler discloses a method for creating and retrieving data records as defined by claim 1 wherein said query includes a user identifier, and wherein the method further includes the step of using said query to determine a category weighting for said user (column 14 lines 64 – 67 and column 15 lines 1 – 15, Wheeler).

With respect to claim 12,

Wheeler discloses a method for creating and retrieving data records as defined by claim 11 and further including the steps of storing said user category weightings in a user look-up table that includes user category weightings for a plurality of users (column 15 lines 18 – 36, Wheeler).

With respect to claim 13,

Wheeler discloses a method for creating and retrieving data records as defined by claim 11 wherein the step of using said query to determine a category weighting for said user comprises changing a stored user weighting for categories contained in said query (column 14 lines 35 – 54, Wheeler).

With respect to claim 14,

Wheeler discloses a computer program product embodying the method of claim 1, the computer program product including computer executable instructions embedded in a computer readable medium that when read by a computer cause the computer to execute the steps of the method (rejected on the same grounds as claim 1 above).

With respect to claim 15,

Wheeler discloses a computer program product as defined by claim 14, wherein

the program instructions when executed further cause the computer to provide a

graphical user interface (Figure 7 element 44 and column 9 lines 20 – 32, Wheeler).

With respect to claim 16,

Wheeler discloses a method for creating and retrieving data records as defined

by claim 1 wherein each of said category identifier embody implicit knowledge regarding

the placement of the category identifier within said hierarchical arrangement of

categories (column 16 lines 43 – 58, Wheeler).

With respect to claim 17,

Wheeler discloses a method for creating data records comprising the steps of:

- creating a hierarchical structure of a plurality of categories linked over a plurality

  of descending levels (column 9 lines 20 – 32, Wheeler);

- assigning a category identifier to each respective of said plurality of categories,

  said category identifier corresponding to one of said plurality of descending levels

  and including the identifier for each category linked thereto in each of said

  plurality of levels that is above said level of said each respective category to

  thereby embody implicit knowledge in said category identifier (column 1 lines 12

  – 29, Wheeler);

- creating a data record for each of a plurality of data entries, each of said data entries having a plurality of attributes that correspond to one each of said categories (column 13 lines 15 – 35 and 42 – 51, Wheeler);

- storing said category identifiers that correspond to said attributes of said each respective data entry in said data record of said respective data entry (column 13 lines 52 – 67 and column 14 lines 1 – 6, Wheeler); and

- applying a weighting to at least a portion of said categories (column 13 lines 24 – 31, Wheeler).

With respect to claim 18,

Wheeler discloses a computer program product for creating and retrieving data records, the program product including computer executable instructions stored on a computer readable medium, the executable steps when executed causing a computer to:

- create a hierarchical structure of a plurality of categories linked over a plurality of descending levels (column 9 lines 20 – 32, Wheeler);

- assign a category identifier to each respective of said plurality of categories, said category identifier including the identifier for each category linked to said each respective category in each of said plurality of levels that is above said level of said each respective category (column 1 lines 12 – 29, Wheeler);

- create a plurality of data records for a plurality of data entries, one each of said plurality of data records corresponding to one each of said plurality of data

entries, each of said data entries having at least one attribute that corresponds to

one of said categories (column 13 lines 15 – 35 and 42 – 51, Wheeler);

- store said category identifier that correspond to said at least one attribute of each

   particular data entry in said data record for said particular data entry (column 13

   lines 52 – 67 and column 14 lines 1 – 6, Wheeler);

- receive a query that corresponds to one or more of said categories (column 8

   lines 65 – 67 and column 9 lines 1 – 3, Wheeler); and

- retrieve all of said data records that include a category identifier corresponding to

   said query (Figure 25 and column 22 lines 38 – 49, Wheeler).

With respect to claim 19,

   Wheeler discloses a computer program product as defined by claim 18 wherein

the executable instructions when executed further cause said computer to apply a

weighting to at least a portion of said categories, said weighting operative to rank said

categories within one of said plurality of levels (column 13 lines 24 – 31, Wheeler).

With respect to claim 20,

   Wheeler discloses a computer program product as defined by claim 18 wherein

said query includes a user identifier, and wherein the executable instructions when

executed further cause said computer to modify a stored user weighting corresponding

to said user identifier in said query and based on said categories specified in said query

(column 14 lines 64 – 67 and column 15 lines 1 – 15, Wheeler).
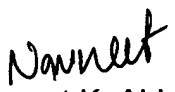
With respect to claim 21,

Wheeler discloses a computer program product as defined by claim 18 wherein said query corresponds to a particular category on a particular level, and wherein the executable instructions cause the computer to retrieve all of said data records that include said category identifier for categories linked to said particular category on levels below said particular level (column 12 lines 5 – 20 and column 15 lines 18 – 36, Wheeler).

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-

272-5636. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Navneet K. Ahluwalia
Examiner
Art Unit 2166

MOHAMMAD ALI
PRIMARY EXAMINER

Dated: 04/11/2006